

**REMARKS/ARGUMENTS**

By this Amendment, claim 10 is amended. Claims 10-13, and 16-18 are pending.

Support for the amendment to claim 10 can be found throughout the Specification as filed, and specifically: support for the chiral status of the carbon attached to the alpha amino group can be found in the originally filed Specification on page 4, lines 10-15 (see Scheme). No new matter is added by this amendment.

Favorable reconsideration is respectfully requested in view of the foregoing amendments and the following remarks.

**Rejection under 35 USC 112 second paragraph**

Claims 10-13, 16-18 stand rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. This rejection is respectfully traversed.

The Examiner argues that it is unclear what the chiral status of the carbon attached to the alpha-amino group is, allegedly because the reagent II and the intermediate VII both show no chiral indication, meaning that that this is a racemic mixture. The Examiner argues that the final product of Formula I however, has a chiral indicator in the structural formula (the dashed line to the amino), but not in the canonical name given for that structure, which immediately precedes it. However, there also appear in parenthesis the name "cefprozil", and that drug is chiral at that position.

Without acquiescing to the propriety of the Examiner's rejection and solely in an effort to advance prosecution, the claim has been amended to reflect that chiral status of the carbon attached to the amino group in the compound of formula VII, as can be seen in the originally filed Specification on page 4.

Reconsideration and withdrawal of the rejection is respectfully requested.

**Rejection under 35 USC 112 first paragraph**

Claims 10-13, 16-18 stand rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. This rejection is respectfully traversed.

The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Note above rejection. As written, the claims appear to use a racemic reagent to obtain a chiral product, but with no resolution step provided. That is certainly not enabled. Fixing the above matter will resolve this rejection as well.

Without acquiescing to the propriety of the Examiner's rejection and solely in an effort to advance prosecution, the claim has been amended to reflect that chiral status of the carbon attached to the amino group in the compound of formula VII, as can be seen in the originally filed Specification on page 4.

Reconsideration and withdrawal of the rejection is respectfully requested.

\* \* \*

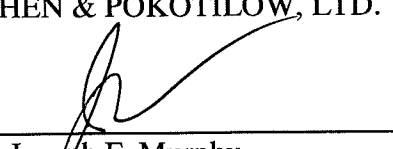
For at least the reasons set forth above, it is respectfully submitted that the above-identified application is in condition for allowance. Favorable reconsideration and prompt allowance of the claims are respectfully requested.

Should the Examiner believe that anything further is desirable in order to place the application in even better condition for allowance, the Examiner is invited to contact Applicants' undersigned attorney at the telephone number listed below.

Respectfully submitted,

CAESAR, RIVISE, BERNSTEIN,  
COHEN & POKOTILOV, LTD.

By

  
\_\_\_\_\_  
Joseph F. Murphy  
Registration No. 58,313  
Customer No. 03000  
(215) 567-2010  
Attorneys for Applicants

March 29, 2010

Please charge or credit our  
Account No. 03-0075 as necessary  
to effect entry and/or ensure  
consideration of this submission.